

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DARNELL McGARY,

Petitioner,

v.

HENRY RICHARD,

Respondent.

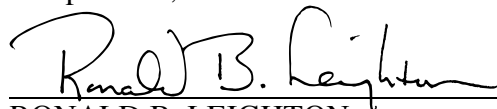
Case No. C05-5317RBL

ORDER ADOPTING REPORT
AND RECOMMENDATION

The Court having reviewed the Report and Recommendation of the Hon. J. Kelley Arnold United States Magistrate Judge, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) The petition is **DISMISSED WITHOUT PREJUDICE** for the reasons set forth in the Report and Recommendation.
- (3) The clerk is directed to send copies of this Order to Petitioner and to the Hon. J. Kelley Arnold.

DATED this 29th day of September, 2005.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE